

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

10/573604
International application No.
PCT/NO2004/000286

IAP20 Rec'd PCT/PTO 28 MAR 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☒ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☒ in written format
 - ☒ in computer readable form
 - c. time of filing/furnishing:
 - ☒ contained in the international application as filed.
 - ☒ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application;

☒ claims Nos. 1-12 in part

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the whole application or for said claims Nos. 1-12 in part

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See separate sheet for further details

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-12
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
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Re Item III.

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In the present application, the International Searching Authority has restricted the search because of the following objections under Articles 5 and 6 PCT.

Present claims 1-12 relate to an extremely large number of possible compounds. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the compounds claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the compounds prepared in the examples, and those compounds specifically mentioned in the claims.

As it is not possible to form an opinion on unsearched subject-matter, the following must be limited accordingly.

Re Item V.

1 Reference is made to the following documents:

- D1: MALIK E et al: "Fluorescence diagnosis of endometriosis using 5-aminolevulinic acid"**
Surgical Endoscopy, Vol. 14, no. 5, 2000, pages 452-455, XP002326510 ISSN: 0930-2794
- D2: WO 01/23005 A (SCHERING AKTIENGESELLSCHAFT; SCHIRNER, MICHAEL; LICH, KAI; DINKELBORG) 5 April 2001 (2001-04-05)**
- D3: US 2003/162234 A1 (JALLAD KARIM N ET AL) 28 August 2003 (2003-08-28)**
- D4: WO 93/02192 A (REPLIGEN CORPORATION) 4 February 1993 (1993-02-04)**
- D5: WO 03/079015 A (VISEN MEDICAL, INC; POSS, KIRTLAND, G; MADDEN, KAREN, N; JONES, ELLA;) 25 September 2003 (2003-09-25)**
- D6: SOUKOS, N. S. ET AL: "Monoclonal antibody-tagged receptor-targeted contrast agents for detection of cancers"**
PROCEEDINGS OF SPIE-THE INTERNATIONAL SOCIETY FOR OPTICAL

ENGINEERING , vol. 4259 (Biomarkers and Biological Spectra Imaging), pages 115-128, ISSN: 0277-786X, 2001, XP002326511

- D7: ZHOU, LANLAN ET AL: "NIR imaging the delivery of cathepsin B probe to breast tumors"**

Proceedings of SPIE-the International Society for Optical Engineering, vol. 4955, pages 505-512, ISSN: 0277-786X, 2003, XP002326513

& OPTICAL TOMOGRAPHY AND SPECTROSCOPY OF TISSUE V

- D8: KANG, H. W. ET AL: "Targeting of MPEG-protected polyamino acid carrier to human E-selectin in vitro"**

Amino Acids, vol. 23, no. 1-3, pages 301-308, ISSN: 0939-4451, 2002, XP002326512

- D9: GARCIA-VELASCO JUAN A ET AL: "Interleukin-8 stimulates the adhesion of endometrial stromal cells to fibronectin"**

FERTILITY AND STERILITY, Vol. 72, no. 2, August 1999 (1999-08), pages 336-340, XP002326518 ISSN: 0015-0282

- D10: MOON WOO KYUNG ET AL: "Enhanced tumor detection using a folate receptor-targeted near-infrared fluorochrome conjugate."**

Bioconjugate Chemistry, vol. 14, no. 3, 1 May 2003 (2003-05-01), pages 539-545, XP002326517 ISSN: 1043-1802

- D11: MALIK E ET AL: "Angiogenic activity of fluorescent peritoneal fluid in patients with endometriosis"**

Geburtshilfe Und Frauenheilkunde, vol. 59, no. 12, December 1999 (1999-12), pages 622-625, XP008045889 ISSN: 0016-5751

- D12: KATS ROUSLAN ET AL: "Macrophage migration inhibitory factor is markedly expressed in active and early-stage endometriotic lesions."**

The Journal of Clinical Endocrinology and Metabolism, vol. 87, no. 2, February 2002 (2002-02), pages 883-889, XP002326519 ISSN: 0021-972X

Document D1 discloses the detection of endometriosis by fluorescence after administration of 5-ALA. This compound is converted to protoporphyrin IX in a higher efficiency than in normal tissue, thus allowing for the detection of endometriotic lesions. Document D2 discloses a conjugate of an antibody to a dye, for detecting inter alia